

Campground Regulations Workgroup

Meeting Minutes

October 13, 2014, 1:00 p.m.

The campground section of the Public Health Code, 1978 PA 368, Part 125 (Act) has not been updated since 2004 and the rules have not been updated since 2000. Both the Act and rules reflect simple transient camping, but many sectors of the industry have progressed to provide more amenities, especially in terms of more fully equipped recreational vehicles (RVs) and increased seasonal camping. Public health and safety issues related to industry progress are not fully addressed in the Act and rules. This Workgroup has been convened to recommend changes to both the Act and the rules that will better reflect current industry practices.

Abbreviations

Abbreviations used throughout the minutes and other correspondence. Other less used abbreviations will be set in the context of the location where it is used, many of which are in the Attendance and following.

- Act means the campground sections of Part 125 of the Public Health Code, 1978 PA 368 as amended
- ARVC-MI means the Association of RV Parks and Campgrounds of Michigan
- CG means campground
- DEQ means the Michigan Department of Environmental Quality
- DNR means the Michigan Department of Natural Resources
- LARA means the Michigan Department of Licensing and Regulatory Affairs
- LHD means local health department
- MARVAC means Michigan Association of Recreation Vehicles and Campgrounds
- MDARD means the Michigan Department of Agriculture and Rural Development
- Rules means the Michigan Campground Rules
- RV means recreational vehicle
- Workgroup means the Campground Regulations Workgroup

Attendance

The ninth meeting of the Campground Regulations Workgroup (Workgroup) convened at 1:07 p.m. Members and guests attending this meeting were:

- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Keith Cheli, Department of Natural Resources, Parks and Recreation Division (MDNR) by teleconference
- David Cordray, White River Campground, representing ARVC-MI
- Tom Frazier, Legislative Liaison representing Michigan Townships Association
- David Graves, P.E., DEQ, Environmental Engineer, Campground Program
- Jim Horan, Sunnybrook RV Resort, representing MARVAC
- Mary Kushion, Mary Kushion Consulting
- Paul Maitre, Blue Gill Camping, representing ARVC-MI
- Carrie Monosmith, Chief, DEQ Environmental Health Section
- Sarah Rottiers, REHS, DEQ Campground Program
- Bill Sheffer, Director, MARVAC
- Liane Shekter Smith, P.E. Chief, DEQ, Office of Drinking Water and Municipal Assistance (ODWMA)
- Paul D. Sisson, P.E., DEQ, Environmental Engineer Specialist, Campground Program

Guests

- None

Members Absent

- Michael L. Berrevoets, FTC&H, representing American Council of Engineering Companies of Michigan (ACEC)
- Ken Bowen, Health Officer, Ionia County Health Department, representing Michigan Association for Local Public Health (MALPH)
- Debra Duffy, Family Campers & RVs
- Bob Garcia, Family Motor Coach Association
- Keith Lambert, Michigan Department of Licensing and Regulatory Affairs (LARA)
- Richard Miller, State Fire Marshall, LARA Bureau of Fire Services
- Carrie Monosmith, Chief, DEQ Environmental Health Section
- Eric Pessel, Environmental Health Director, Kent County Health Department, representing Michigan Association of Local Environmental Health Administrators (MALEHA)
- Rob Pirsein, P.E., Midwest Civil Engineers, PC
- Sarah Rottiers, REHS, DEQ Campground Program
- Dan Stencil, Executive Officer, Oakland County Parks & Recreation, representing Michigan Recreation and Park Association
- Larry Stephens, P.E., Stephens Consulting Services, PC, representing Michigan Onsite Wastewater Recycling Association (MOWRA)
- Steve Yencich, President, Michigan Lodging & Tourism Association (MLTA)

Invited Stakeholders Not Present

- Cinda Karlik, Michigan Department of Agriculture and Rural Development (MDARD)
- David Lorenz, Public & Industry Relations Manager, Michigan Economic Development Corporation (MEDC)
- Michigan Association of Fairs & Exhibitions (MAFE)

Introductions of Members and Guests and Other Member Information

Sarah Rottiers was introduced. She began working for the CG Program on September 2, 2014, replacing Nancy Allen who retired from DEQ at the end of March.

A first rough draft of the complete revised Act was distributed to the workgroup prior to this meeting.

Minutes

The minutes of the September 15, 2014 meeting were approved.

Revised Total Coliform Rule (rTCR)

The workgroup briefly discussed the upcoming Revised Total Coliform Rule. DEQ has been conducting rTCR information sessions around the state. Since rTCR will affect CG water supply sampling requirements, campground owners have been attending these sessions. This rule will go into effect in April 2016.

Section 12505

The workgroup generally agreed that the Act should require documentation of local zoning approval rather than evidence of local zoning application. Mr. Frazier distributed a sample form that zoning and municipal authorities use to indicate their approval or disapproval of vehicle dealerships. This form is signed by the authority and returned to the applicant. DEQ would develop a form that would be used for this purpose.

Concerns remained that zoning approval would delay the DEQ construction permit process. The intent is that the DEQ plan review not be held up by this process. However, zoning approval needs to be in place prior to issuing the DEQ construction permit. DEQ will develop a new subsection to clarify.

Section 12506

The workgroup discussed the CG license late fee applied after December 31. Some indicated that if the late fee was too low, there was no incentive to pay it until the July 15 cutoff date in subsection 5. This would “allow” operation for 6 to 8 weeks without payment of part or the entire fee due. Since many campgrounds open sometime in April, the workgroup set the cutoff date to April 1.

Also, some indicated that once the late fee is owed, that there should be a monthly fee added to encourage the late fees to be paid earlier rather than later. There are many administrative problems with charging monthly penalty fees.

The workgroup indicated that any penalty fees should be set at the discretion of DEQ, but indicated that the penalty fee be fixed rather than “up to” a certain amount. Subsection 5 should allow DEQ the option of closing a CG that is in operation and has not paid the annual license fee and/or late fees. This subsection should allow DEQ the option of assessing a substantial administrative penalty fee (\$500) for opening and operating without paying all fees. Assuming no health and safety violations, payment of all fees would bring a license back to good standing.

DEQ will look into posting a list of licensed CGs on their website. Perhaps, posting of a list of unlicensed CGs could be posted too.

Section 12506a

The workgroup discussed two proposals for CG licensing fees. The first would fund the CG Program at a very minimal level. This would require a 32% license fee increase across the board. The second would fund the CG Program at a level that would allow DEQ to return to former staffing levels of 3.5 FTEs. This would require a 66% license fee increase across the board. The workgroup concurred that going for the higher increase to return to previous staffing levels should be the target.

The workgroup agreed that the Act should assess a flat late fee rather than a percentage of the renewal fee. There was no agreement on assessing monthly late penalty fees. Penalties should be assessed for opening and operating a CG without a license, but these would be handled in section 12506.

In discussing construction permit fees and fees for construction inspections, the workgroup indicated that construction inspection fees should be included in the CP fee. The workgroup also discussed different fees for the initial license.

DEQ will make adjustments and a more specific proposal for Section 12506a.

Section 12507

The workgroup indicated that “periodic” inspections should be changed to “annual” inspections.

Section 12510

The workgroup generally agreed to increase the payment to LHDs for annual CG inspections to \$35 per CG. This amount is included in the Section 12506a fees. If the DEQ fee was dropped, several LHDs may drop their CG inspection program. Although a \$10 increase is small

compared to the actual cost of performing an inspection, any increase would be welcome to a LHD.

There was no agreement in paying the LHD a higher inspection fee in the case where they made a construction inspection for DEQ.

Section 12512

The workgroup indicated that it was up to DEQ to determine penalty fees for failing to correct health and safety violations. Penalty fees and closure should result from failure to comply with a notice of violation.

Section 12515

The workgroup indicated that “responsibility” should be changed to “requirement”. DEQ will modify this language accordingly.

Assignments

- DEQ staff will compile the entire Act revision to date and deliver this and a summary of changes to the workgroup.

Next Meeting via Teleconference

The next meeting is set via teleconference for Monday, November 17, 2014, at 1:00 p.m. No meeting will be scheduled for December. The teleconference phone number, and Act draft will be sent to workgroup members.

Next Steps

Once we achieve general concurrence on the Act draft, DEQ will move forward to departmental approval to continue and legislative sponsorship.

Rules Revisions

Work can begin on rules revisions in January. However, care is necessary to avoid possible conflicts with revised rules that may not be consistent with the revised Act. If the Act does not go through, some rules may not be able to be changed.

The workgroup meeting was adjourned at 3:46 p.m.

Attachment

Respectfully submitted,
Paul D. Sisson
October 20, 2014